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SENSITIVE
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E.O. 12958: N/A
TAGS: [PHUM](#)
SUBJECT: ADDITIONAL EXCEPTION TO USG DISENGAGEMENT AT HRC
NINTH REGULAR SESSION

REF: A. STATE 060306
[B.](#) STATE 060310
[C.](#) STATE 093277
[D.](#) CASSYRE-OSTERMEIER EMAIL 09-05-08

[¶1.](#) (U) This is an action request. Please see paragraph [¶4.](#) This cable supplements guidance to Geneva for exceptions to the U.S. policy of disengagement at the UN Human Rights Council during the September 8-26 Ninth Regular Session (reftel C).

[¶2.](#) (SBU) Department appreciates Mission's reporting on expected resolutions at the upcoming HRC session (reftel D). The expected resolution by Egypt, "Protection of Human Rights in Armed Conflict," may contain seriously problematic language that could have a negative impact on vital U.S. legal interests by asserting mischaracterizations of international law that would migrate into other fora where U.S. interests are at stake. For these reasons, the Department has determined that it falls within the exception to the general rule of US non-engagement at the HRC.

[¶3.](#) (SBU) U.S. Mission is authorized to be present in informal meetings on the resolution, and to work bilaterally with Egypt. As reflected in ref B, "[t]he focus of U.S. efforts will be to remove or neutralize language that could seek to redefine international legal obligations of the United States in a manner contrary to our interests or that would otherwise seriously jeopardize U.S. policies and practices, particularly with respect to the Global War on Terror (GWOT)." In other resolutions Egypt has been at the forefront of efforts to inaccurately conflate international humanitarian law (i.e. law of armed conflict) with human rights principles in an attempt to criticize U.S. counter-terrorism and military operations. The very title of Egypt's proposed resolution suggests that these same types of issues will be the focus of the resolution.

[¶4.](#) (SBU) Mission is instructed to monitor developments and engage in defensive participation at the informals of the September HRC session on this resolution as described above, consistent with guidance on previous exceptions to U.S. disengagement listed in reftel C.

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